



**THE CITY OF NEW YORK  
LAW DEPARTMENT**  
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August 23, 2021

**By ECF**

Honorable Vernon S. Broderick  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Winters v. Smalls, et al.*, 19 Civ. 7272 (VSB) (SN)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and the attorney assigned to represent Defendants Warden Smalls, Captain Barnaby, Deputy Cook, and Correction Officer Guaman in this matter. Defendants respectfully request Court adjourn the status conference presently scheduled for August 30, 2021 to a time and date convenient for the Court.

By way of background, the parties attended a post-discovery conference on July 29, 2021. There, Defendants expressed that they wanted to enter into a confidentiality stipulation before producing remaining responsive documents to their Supplemental Local Civil Rule 33.2 Disclosures. To provide time for the parties to confer on the stipulation, the Court scheduled a status conference for August 30, 2021 at noon. ECF No. 55. At the conference, the Court instructed Plaintiff to immediately update the Court of his new address if he was released for moved to another facility. *Id.*

Plaintiff has not updated the Court of his new address. On August 19, 2021, this Office contacted NYC DOC attempting to arrange a telephone meet-and-confer between all parties to discuss the confidentiality stipulation. On that same day, DOC informed this Office that Plaintiff was transferred to the custody of NYS DOCCS. However, DOC could not confirm where Plaintiff is presently housed within the NYS DOCCS system. On information and belief—and according to the NYS DOCCS' Inmate Lookup—Plaintiff was housed at Downstate Correctional Facility. On August 23, 2021, this Office attempted to establish a NYS DOCCS liaison to coordinate Plaintiff's appearance for the Court conference. However, this Office was informed that Plaintiff

was released from their custody with no forwarding address apart from his assigned paroled geographic area.

Now, Defendants request an adjournment of the conference. An adjournment is necessary because Plaintiff's address is not updated on the docket; he was just released from NYS DOCCS custody on August 23, 2021; and his present location and contact information are unknown. For these same reasons, Defendants were unable to obtain Plaintiff's consent for this application. This is Defendants' first request to adjourn this conference.

Thus, Defendants respectfully request that the Court adjourn the status conference scheduled for August 30, 2021 for a time and date convenient for the Court.


Defendants thank the Court for its consideration herein.

Respectfully submitted,



Damian P. Gallagher  
*Assistant Corporation Counsel*

Cc: **By U.S. Mail**  
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Plaintiff *Pro Se*  
DIN No. 21A1451  
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121 Red Schoolhouse Road  
P.O. Box 445 (Incarcerated Individual Mail: Box F)  
Fishkill, New York 12524

APPLICATION GRANTED  
SO ORDERED   
VERNON S. BRODERICK  
U.S.D.J. 8/24/2021

The conference scheduled for August 30, 2021 is adjourned. Plaintiff is directed to provide the Pro Se Office with his new address as soon as possible so that this case can continue to move forward. Defendants are directed to continue trying to locate Plaintiff, and if Defendants do so, they are directed to serve Plaintiff with a copy of this order.